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INDONESIA AND EAST TIMOR

Human Rights in 1994: A Summary

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Also in 1994, the Indonesian Government continued to violate the human rights of Indonesians and East Timorese. Despite continuing claims of a commitment to "political openness", the government imposed increased restrictions on civil liberties, including stepping up harassment of alleged government critics and human rights activists. Dozens of peaceful seminars and meetings were broken up, the independent Indonesian Prosperous Workers Union (*Serikat Buruh Sejahtera Indonesia* - SBSI) continued to be denied official recognition, and several of its leaders were jailed. Three of the country's leading news magazines were banned in June, and people protesting peacefully against the bans were beaten by security forces. In February, a Presidential decree imposing severe restrictions on domestic non-governmental organizations (NGOs) was drafted. The draft decree stipulates the fields of activity which NGOs are permitted to be involved in and explicitly forbids political activity. Any NGO which in the government's view does not comply with the provisions of the decree could be banned or refused official recognition. The human rights situation deteriorated in the run-up to the APEC meetings held in Jakarta and Bogor in November, as security forces sought to rid the capital of "economic and political criminals".[1]

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[1] See Amnesty International "Operation Cleansing": Human Rights and APEC, ASA 21/50/94, November 1994.

This document summarises Amnesty International's concerns in Indonesia and East Timor in 1994. It includes recommendations to member states of the United Nations, which if implemented, may lead to greater protection of human rights in Indonesia and East Timor.

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INDONESIA AND EAST TIMOR
Human Rights in 1994: A Summary

Introduction

In 1994 Indonesia continued to play a prominent role in international economic, political and human rights fora. During the year, Indonesia became a member of the United Nations (UN) Security Council and continued its membership of the UN Commission on Human Rights and its chair of the Non-Aligned Movement (NAM). In November, Indonesia played host to the Asia Pacific Economic Cooperation (APEC) meetings in Jakarta and Bogor in November, which were attended by 18 government leaders, including those of Japan, America, Australia and China.

Also in 1994, the Indonesian Government continued to violate the human rights of Indonesians and East Timorese. Despite continuing claims of a commitment to "political openness", the government imposed increased restrictions on civil liberties, including stepping up harassment of alleged government critics and human rights activists. Dozens of peaceful seminars and meetings were broken up, the independent Indonesian Prosperous Workers Union (*Serikat Buruh Sejahtera Indonesia* - SBSI) continued to be denied official recognition, and several of its leaders were jailed. Three of the country's leading news magazines were banned in June, and people protesting peacefully against the bans were beaten by security forces. In February, a Presidential decree imposing severe restrictions on domestic non-governmental organizations (NGOs) was drafted. The draft decree stipulates the fields of activity which NGOs are permitted to be involved in and explicitly forbids political activity. Any NGO which in the government's view does not comply with the provisions of the decree could be banned or refused official recognition. The human rights situation deteriorated in the run-up to the APEC meetings held in Jakarta and Bogor in November, as security forces sought to rid the capital of "economic and political criminals".[1]

This document summarises Amnesty International's concerns in Indonesia and East Timor in 1994. It includes recommendations to member states of the United Nations, which if implemented may lead to greater protection of human rights in Indonesia and East Timor.

Human rights violations in East Timor

Some 24 East Timorese prisoners of conscience were serving sentences ranging from a few years to life imprisonment imposed after unfair trials. At least six were tried during

[1] See Amnesty International "Operation Cleansing": Human Rights and APEC, ASA 21/50/94, November 1994.

the year for their peaceful pro-independence activities. They included José Antonio Neves, a member of the East Timorese underground and a theology student. He was arrested in Malang, East Java in May 1994, and accused of seeking to gain international support for East Timor's independence, a crime punishable by up to life imprisonment. A verdict on Neves' case is expected in January 1995.

Other East Timorese sentenced included five young men who took part in a peaceful pro-independence demonstration during a visit to East Timor by foreign journalists in April. Isaac Soares, Miguel de Deus, Pantaleão Amaral, Rosalino dos Santos and Pedro Fatima Tilman were each sentenced to 20 months' imprisonment. According to reports, none was accompanied by legal counsel either during interrogation or trial. All were prisoners of conscience.

As in previous years, hundreds of suspected supporters of independence for East Timor were subjected to short-term detention, ill-treatment, and harassment. Up to 22 people were detained after police and military forces broke up a peaceful demonstration by students in Dili on 14 July. Witnesses said that security forces publicly beat one of them, Mateus Afonso, before taking him into custody. On 10 July, three East Timorese were arrested after they unfurled pro-independence banners in front of the UN Special Rapporteur on extrajudicial, summary or arbitrary executions during his visit to East Timor.

On the anniversary of the 12 November 1991 Santa Cruz massacre, widespread and sometimes violent demonstrations broke out in Dili, East Timor. On the same day some 29 East Timorese entered the premises of the United States Embassy in Jakarta, demanding the release of jailed resistance leader, Xanana Gusmão, and his inclusion in peace talks. The group was eventually granted asylum in Portugal and left Indonesia safely at the end of November. More than 125 were detained during pro-independence demonstrations and rioting in Dili. Most were released after questioning but some were known to have been badly beaten by their captors. Police officials said that 30 would be tried for criminal offences but there was concern that some of this group were peaceful pro-independence demonstrators.

Political imprisonment

The practice of political imprisonment continues in Indonesia and East Timor. In late 1994 an estimated 350 alleged government opponents were still being held in prisons

throughout Indonesia and East Timor, some 40 of them sentenced in the previous year alone.[2]

Dozens of peaceful human rights and political activists were sentenced to prison terms after unfair trials during 1994. In February, Nuku Soleiman, a university student and chairman of an independent human rights organization, *Yayasan Pijar*, was sentenced to four years' imprisonment for "insulting the president" after a month-long political show trial. He was arrested in November 1993 during a peaceful protest outside the national parliament in Jakarta. In May, his sentence was increased to five years following an appeal to the High Court. He was a prisoner of conscience. Also in May, 21 university students were sentenced to six months in prison on the same charge for participating in a similar protest in December 1993. Among them was Yeni Rosa Damayanti, who was accused of reciting poems allegedly attacking the President's integrity. In mid-June the sentences against all 21 were increased by between two and eight months by the High Court in Jakarta. By December 1994, all but one of the students had been released.

Three student prisoners of conscience, Bonar Tigor Naipospos, Bambang Subono and Bambang Isti Nugroho, who had been sentenced in 1989 to between seven and eight and a half years in prison, were conditionally released in May and June. Speaking before the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities in August 1994, Bonar Tigor Naipospos stated:

> If during the coming four years, I commit anything regarded as unlawful by the authorities, I will be returned to prison to serve the rest of my sentence. So I am not a free man...

In the run-up to APEC the Indonesian Government targeted individual human rights activists and lawyers, subjecting them to arbitrary arrest. Munir, a human rights lawyer in Surabaya, was arrested on 19 August in Malang, East Java, during a meeting with 14 workers whose case he was assisting. Munir was taken to a local police station where he was interrogated for approximately two hours before being released. He was summoned again and later found guilty of holding a meeting without a permit and fined. Amnesty International believes he was arrested in connection with his lawful professional activities. Dr George Aditjondro, a prominent academic at Satya Wacana University in Central Java, has also been questioned by police on charges of "insulting a government authority or body", apparently for comments he made regarding the Presidential succession in Indonesia, during an academic panel discussion in August 1994.

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[2] See also Amnesty International Indonesia and East Timor: Political Prisoners and the "Rule of Law", ASA 21/03/95, January 1995.

Scores of trade unionists were jailed in connection with widespread labour unrest in Medan, North Sumatra, in mid-April. They included at least 11 labour activists charged and convicted of "inciting" workers to demonstrate and to strike in support of their demands. Among those jailed was Dr Muchtar Pakpahan, the national chairman of the independent union, SBSI, who was sentenced to three years in November on charges of "incitement". Based on trial documents and observation of his trial, Amnesty International concluded that the charges against Dr Pakpahan and the 10 other labour activists were politically motivated, and that they may be prisoners of conscience.

At least 50 people have been sentenced to prison terms of between three years and life since 1991 for their alleged links to *Aceh Merdeka*, an armed rebel group seeking independence for Aceh and parts of North Sumatra. All were convicted in unfair trials, most under the Anti-Subversion Law, including at least three men sentenced to 19 years each in 1994. At least 24 of those sentenced appeared to be prisoners of conscience, having neither used nor advocated violence. The trials of a further five alleged Aceh Merdeka members were announced by the authorities in October 1994.

At least 50 political prisoners remained in prison at the end of 1994 for advocating independence for Irian Jaya. Most had been sentenced after unfair trials in 1989 and 1990. Over half of this group are prisoners of conscience, serving sentences of up to 20 years' imprisonment.

As of mid-1994, an estimated 150 Muslim prisoners remained in jail, including at least 50 prisoners of conscience. Most were accused of criticizing the government, of undermining Pancasila, or of attempting to establish an Islamic state.

Some 30 elderly prisoners sentenced in the 1960s after unfair trials for alleged involvement in a 1965 coup attempt or for membership of the Indonesian Communist Party (PKI) remained in prison in late 1994. Some were suffering physical and mental ill-health. Most were believed to be prisoners of conscience and six of them were on death row. Hundreds of thousands of former members of the PKI remained subject to heavy restrictions on their freedom of movement and other civil rights.

Torture

Torture and ill-treatment of political detainees continues to be routine throughout Indonesia and East Timor. In September, four human rights activists, Sapto Rahardjo, Yulianto Bernardy, Thomas Henry Kurniawanto and Ellyasa Budianto, were reportedly detained by security forces in Jakarta, interrogated and subjected to torture over a period of two days and nights before being released. The four were detained after releasing balloons bearing pro-democracy messages such as "The 1945 Constitution Guarantees

Freedom to Organize". Holding a pistol to the head of Sapto Rahardjo, a military officer reportedly said: "*This gun is loaded. I have the right to kill you*".

An East Timorese student suspected of pro-independence activities, Salvador Sarmento, arrested on 3 January 1994, was held for five days at military intelligence headquarters in the Colmera district of Dili, where he was repeatedly beaten, given electric shocks and threatened with mock executions. He was released only after he had been forced to sign a confession.

The torture and ill-treatment of criminal suspects was also commonplace and sometimes resulted in death or serious injury. In April a university student named Jery Manafe died after being beaten by up to 10 police officers and cadets in Kupang, West Timor. Witnesses said that he was assaulted by police as he received emergency medical attention in a hospital, before being taken in an official vehicle to police headquarters where the beating continued. A doctor who saw Jery Manafe's body said that he was frothing heavily from his nose and mouth, and that he had an eight centimetre swelling above his left eye. In November, a military court began trying five police suspects charged with killing Jery Manafe. If convicted they face jail sentences of between one and three and a half years.

Extrajudicial killings

Extrajudicial executions of political and criminal suspects continues to be reported both in Indonesia and East Timor. On 13 March the body of a worker named Rusli was found floating in shallow water in the Deli River near Medan, North Sumatra. Two days earlier he had taken part in a strike violently broken up by soldiers and Police Mobile Brigades. Police in Medan said Rusli had fallen into the river; relatives, co-workers and human rights organizations believed he had been beaten by security forces before either falling or being pushed into the river. An autopsy revealed a wound on his forehead, possibly caused by a blunt instrument.

An anti-crime drive known as "Operation Cleansing" which began in April 1994 led to an apparent increase in the practice of arbitrary police killings of alleged criminals. More than 60 alleged criminals were killed in suspicious circumstances during the year; some were reported to have been shot dead while in handcuffs, and others were shot in the head or chest at close range. One victim was Sulaiman, reportedly shot by police on 28 April while pointing out the hiding place of fellow gang members in East Jakarta. He was in handcuffs when shot. Concern was heightened by official statements that appeared to condone the killings.

As in past years, the authorities failed to conduct thorough investigations of extrajudicial killings, and the perpetrators were seldom brought to justice. No official investigations had been initiated into the extrajudicial executions of at least 2,000 civilians in Aceh between 1989 and early 1993. By the end of the year, the authorities had only clarified the fate of a fraction of an estimated 270 people killed and 200 others thought to have "disappeared" during and after the November 1991 Santa Cruz massacre in Dili, East Timor. In December 1994, the report by the Special Rapporteur on extrajudicial, summary or arbitrary executions on his visit to Indonesia and East Timor was published.[3] The report, which contained detailed recommendations, concluded that members of the Indonesian security forces were responsible for the killings at the Santa Cruz massacre, and that the government had failed to satisfactorily clarify the fate of those killed and "disappeared" during the massacre. The Special Rapporteur has also called on the Indonesian Government to conduct an additional thorough, impartial and independent inquiry into the massacre; to ensure that those responsible for violations are identified and brought to trial in civil courts in public proceedings; that victims are able to initiate judicial proceedings against alleged perpetrators; that equitable compensation is paid to the victims; that a civil police force is established; and that a separate human rights investigative body is set up to monitor continuing allegations of human rights violations in East Timor.

Nine civilians were sentenced to terms of up to 17 years in prison for the May 1993 abduction and murder of labour activist Marsinah, and a military officer received a nine-month sentence for failing to report the crime to his superiors. However, serious irregularities in the civilian trials, including the use of torture to extract confessions, gave rise to doubts about their fairness, and the military authorities believed to be responsible for the murder were not punished. In December 1994, following the overturning of the guilty verdict against the main suspect, Judi Susanto, by the East Java High Court, the Indonesian National Commission on Human Rights called for the police to reopen the investigation of Marsinah's murder.

The Death Penalty

At least 35 people remained under sentence of death, including at least three people sentenced for drug smuggling in September 1994. No executions were reported during the year but several prisoners, convicted of both criminal and political offences, were in imminent danger of execution after their appeals for presidential clemency were turned down.

[3] Report by the Special Rapporteur, Mr Bacre Waly Ndiaye, on his mission to Indonesia and East Timor from 3 to 13 July 1994, E/CN.4/1995/61/Add.1, 1 November 1994.

The Indonesian Government Response

In 1994, the Indonesian Government took some measures to address international and domestic criticism of its human rights record. While welcoming initiatives taken to improve human rights, Amnesty International considers that the steps taken so far have failed to sufficiently address the human rights situation in Indonesia and East Timor.

The government-backed National Human Rights Commission, whose members were appointed in December 1993, began operating early in 1994. The commission surprised some critics by its occasional outspokenness but there is serious doubt that it can meet the standards of impartiality and independence set by the UN Commission on Human Rights, Resolution 1992/54, [4] or that it can be effective in bringing a halt to human rights violations.[5]

Other initiatives taken have included allowing parliamentarians, journalists and church groups to visit East Timor and inviting the UN Special Rapporteur on extrajudicial, summary or arbitrary executions to visit Indonesia and East Timor. The Special Rapporteur's request to visit Aceh and Irian Jaya however were not granted. While Amnesty International welcomes increased access to East Timor, it is concerned that the Indonesian Government has as yet failed to implement all but one of the recommendations made by the UN Special Rapporteur on torture following his visit to Indonesia and East Timor in late 1991. It is also concerned that access for independent monitors to all areas of Indonesia and East Timor is still restricted.

In October 1994, Indonesia signed a Memorandum of Intent with the UN High Commissioner for Human Rights and the Centre for Human Rights to cooperate in the development and implementation of "coherent and comprehensive national programmes for the promotion and protection of human rights in Indonesia". The memorandum is understood to precede a programme of ratification of international human rights standards. Another element of the memorandum may include human rights training of Indonesian Government officials. Both ratification and human rights training can lead to greater protection of human rights. However, these are just two components of a range of changes needed to ensure that there is greater human rights protection in Indonesia and East Timor. Stated commitments by the Indonesian Government to the protection

[4] "Principles relating to the status of national institutions", Annex to Resolution 1992/54 on National Institutions for the promotion and protection of human rights. Adopted by consensus by the United Nations Commission on Human Rights, 3 March 1992.

[5] See Amnesty International Power and Impunity: Human Rights under the New Order, ASA 21/17/94, September 1994, p 116, for further information.

of human rights, such as that indicated in the Memorandum of Intent, must be matched by concrete legal and procedural measures to remedy past abuses and to prevent future human rights violations.

It is also clear that, although it is a member of the UN Commission on Human Rights, the Indonesian Government continues to regard principles enshrined in international human rights covenants as not universal. Indonesia's President Suharto has recently stated that Indonesia must:

> "ratify the decisions that are good and compatible with our nation's philosophy and ideology. Meanwhile we must further study the incompatible ones and, if necessary, make adjustments before ratifying them as part of our national laws". [6]

Amnesty International and the Government of Indonesia

Amnesty International published several reports on Indonesia and East Timor during 1994 including: in February, *Indonesia and East Timor: Fact and Fiction*; in May, *Indonesia: Labour Activists Under Fire*; in June, *Indonesia: Student Prisoners of Conscience*; in July, *East Timor: Who is to Blame?*; and in November, *Indonesia: "Operation Cleansing" - Human Rights and APEC.*

In September, Amnesty International launched an international campaign to draw attention to continuing human rights violations in Indonesia and East Timor and published a major report, *Power and Impunity, Human Rights under the New Order*. The Indonesian Government responded to Amnesty International's campaign by stating that it was politically motivated and that the campaign report did not reflect the human rights situation in the country.

In May and again in July, Amnesty International reiterated its long-standing request to visit Indonesia and East Timor to conduct human rights investigations. On 26 July, Amnesty International received a letter from the Indonesian Government, dated 15 July, inviting Amnesty International to visit Jakarta for official talks in the first week of August. The invitation ruled out immediate access to East Timor. The organization welcomed the invitation but for practical reasons proposed alternative dates in September. In early September, the government wrote to Amnesty International to say that the new dates were not convenient and that, with the publication of *Power and Impunity*, the situation was no longer conducive to a visit.

[6] Radio Republik Indonesia, 24.10.94.

Conclusions and Recommendations

If human rights violations are to be halted in Indonesia and East Timor, the Indonesian Government must immediately demonstrate that it is taking concrete steps to address the root causes of these violations. Amnesty International believes that the international community has an important role to play in urging the government to promote and protect human rights.

The Commission on Human Rights has done considerable work on the human rights situation in East Timor. In March 1992, the Commission adopted a consensus statement deploring the loss of life in the Santa Cruz massacre, welcoming the establishment of a national commission of inquiry and urging the government to improve the human rights situation, implement the recommendations made by the Special Rapporteur on torture and facilitate access to East Timor for human rights organizations.[7] The following year the Commission adopted Resolution 1993/97 which expressed deep concern at continuing reports of human rights violations in East Timor. It called on the government to honour its commitments from the consensus statement and urged the government to invite the Special Rapporteurs on torture and extrajudicial, summary or arbitrary execution to visit East Timor. Although, one year later, the government had undertaken only to invite the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Commission adopted at its 1994 session a weak consensus statement which the government is now characterizing as having "lauded the Indonesian Government for the progress achieved in its human rights record"[8]. However, the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, described above, shows that serious human rights violations continue to occur in East Timor and that the government has still to honour the recommendations made in the 1992 consensus statement.

While the Commission has given attention to human rights problems in East Timor, it has to date taken no action concerning human rights violations in Indonesia. The violations which occur in East Timor, including the use of torture to extract confessions and political and military intelligence, political imprisonment, unfair trial and

[7] Consensus Statement of the UN Commission on Human Rights, Made by the Chairman, Concerning East Timor, Geneva, 4 March 1992.

[8] Letter dated 17 October 1994 from the Permanent Representative of the Republic of Indonesia to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights (UN document E/CN.4/1995/107)

extrajudicial executions, are part of a broader pattern of violations which occur throughout Indonesia.

Recommendations to UN Member States

Amnesty International calls on member states of the UN to:

1. Urge the Indonesian authorities to implement the recommendations contained in the January 1992 report of the UN Special Rapporteur on torture, and the November 1994 report of the UN Special Rapporteur on extrajudicial, summary or arbitrary executions;

2. Express concern about the routine imprisonment of the government's political opponents in Indonesia and East Timor, and call for the immediate and unconditional release of all prisoners of conscience;

3. Urge the Indonesian authorities to account fully for the dead and "disappeared" from the Santa Cruz massacre and its aftermath; and express concern at the government's failure to bring to justice all those ultimately responsible for the Santa Cruz massacre.

4. Encourage the government to improve access to all areas of Indonesia and East Timor by human rights organizations, including Amnesty International;

5. Welcome the government's decision to invite the UN Special Rapporteur on extrajudicial, summary or arbitrary executions to visit Indonesia and East Timor in 1994, and urge that it extend an invitation to the Special Rapporteur to visit all areas of Indonesia and East Timor;

6. Urge the Indonesian Government to extend invitations to the UN Special Rapporteur on torture for a follow-up visit to both Indonesia and East Timor, as well as the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances.

7. Encourage the Indonesian Government to accede to the major international human rights treaties, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Convention Against Torture.